



San 1809
1635

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Needleman et al.)
Serial No.: 08/934,367) Attorney Docket
Filed: September 19, 1997) 6221/69666
For: AN IMMUNOLOGICAL PROCESS AND) MON-103.0
CONSTRUCTS FOR INCREASING THE HDL)
CHOLESTEROL CONCENTRATION BY)
DNA VACCINATION)
Examiner: Not yet assigned)



INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §1.97, a list of documents is disclosed on the attached Form PTO-1449 that may be material to the examination of this application.

Documents A1-A47 are patents and published papers that are cited, discussed, and provided in the parental applications, U.S. Patent Application No. 08/785,997, filed on January 21, 1997 and U.S. Patent Application No. 08/788,882, filed January 21, 1997, of which this application is a Continuation-in-Part. Pursuant to 37 C.F.R. 1.98(d), it is understood that only a list of art is required inasmuch as the listed art has been provided and discussed previously.

Listed Documents B1-B29 are additional patents, patent applications, published papers and a SBIR that are cited and discussed in the current application, or have been subsequently located and thought to be relevant.

Documents for which the supplied date of publication lists the year of publication without the month were published sufficiently earlier than the effective U.S. filing date and any foreign priority date, so that the particular month of publication is not in issue. However, the availability date of the SBIR is unknown. Pursuant to §609 of the MPEP, it is understood that the month of publication is not required when the particular month of publication is not in issue.

No inferences should be drawn that the attached list represents a comprehensive investigation, or that any material disclosed is equivalent to the subject invention. In addition, none of the documents that have publication dates prior to the priority date of the above application anticipate the invention in this application.

The cited documents disclose numerous specific features. There has been no attempt to list each and every feature disclosed by each document. The Examiner is requested to review the documents and determine the extent of the -

materiality of the document disclosures with respect to the present invention.

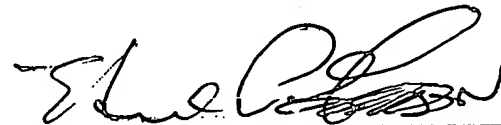
The discussion of any art and the citation of any document herein is not to be construed as an admission that the art or document disclosure is necessarily within the invention field of endeavor, that the art or document disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that the art or document disclosure is otherwise necessarily prior art as defined by the patent law with respect to the instant invention and application.

Also, there is reserved the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosures of the art and documents recited herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

The recitation herein of the art and documents is not to be construed as an assertion that more pertinent art could not possibly be in existence.

Respectfully submitted,

By



Edward P. Gamson, Reg. No. 29,381

Serial No. 08/934,367

4



Enclosures:

Form PTO-1449

Bound Volume of Art

Welsh & Katz, Ltd.
22nd Floor
120 South Riverside Plaza
Chicago, Illinois 60606
312/655-1500

CERTIFICATE OF MAILING

I hereby certify that this Information Disclosure Statement, together with the stated enclosures are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on April 3, 1998.

A handwritten signature in dark ink, appearing to be 'John P. ...', written over a horizontal line.

(Rev. 5/92) Comparable to Form PTO-1449		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket No. 6221/69666 MON-103.0		Serial No. 08/934,367	
				Applicants Needleman, et al.			
				Filing Date September 19, 1997		Group 1809	

OIPE
 APR - 6 1998
 305
 INFORMATION DISCLOSURE CITATION
 (See MPEP 609, 6th ed. for more information)

U.S. PATENT DOCUMENTS							
*Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate	
	A1	4,767,842	08/30/88	Stevens	530	324	
	A2	4,818,527	04/04/89	Thornton et al.	424	88	
	A3	5,582,997	12/10/96	Blondelle et al.	435	7.1	
	A4	4,710,463	12/1/87	Murray	435	68	
	A5	4,942,125	07/17/90	Moriarty	435	7	
	A6	4,539,205	09/03/85	Goodman et al.	514	45	
	A7	4,643,992	02/17/87	Goodman et al.	514	45	
	A8	5,011,828	04/30/91	Goodman et al.	514	45	
	A9	5,093,318	03/03/92	Goodman et al.	514	45	
	B1	5,580,859	12/03/96	Felgner et al.	514	44	

FOREIGN PATENT DOCUMENTS							
	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No
	B2	WO 96/34888	11/07/96	PCT	14	775	

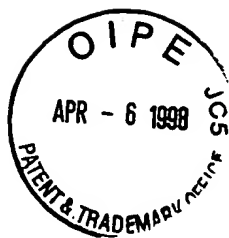
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
A10	Lagrost, <i>Biochem. Biophys. Acta</i> , <u>1215</u> :209-236 (1994)
A11	Melchior, et al., <i>Trends in Card. Med.</i> , <u>5</u> :83-87 (1995)
A12	Drayna, et al., <i>Nature</i> , <u>327</u> :632-634 (1987)
A13	Nagashima, et al., <i>J. Lipid Res.</i> , <u>29</u> :1643-1649 (1988)
A14	Pape, et al., <i>Atherosclerosis and Thrombosis</i> , <u>11</u> :1759-1771 (1991)
A15	Gaynor, et al., <i>Atherosclerosis</i> , <u>110(1)</u> :101-109 (1994)
A16	Melchior, et al., <i>J. Biol. Chem.</i> , <u>270(36)</u> :21068-21074 (1995)
A17	Sugano, et al., <i>J. Biol. Chem.</i> , <u>271(32)</u> :19080-19083 (1996)
A18	Hesler, et al., <i>J. Biol. Chem.</i> , <u>263(11)</u> :5020-5023 (1988)
A19	Swenson, et al., <i>J. Biol. Chem.</i> , <u>264(24)</u> :14318-14326 (1989)
A20	Tall, <i>J. Lipid Res.</i> , <u>34</u> :1255-1274 (1993)
A21	Whitlock, et al., <i>J. Clin. Invest.</i> , <u>84</u> :129-137 (1989)
A22	Evans, et al., <i>J. Lipid Res.</i> , <u>35</u> :1634-1645 (1994)

Examiner	Date Considered
----------	-----------------

*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Rev. 5/92) Comparable to Form PTO-1449 U.S. Department of Commerce Patent and Trademark Office INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)		Atty. Docket No. 6221/69666 MON-103.0	Serial No. 08/934,367
		Applicant Needleman, et al.	
		Filing Date September 19, 1997	Group 1809
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
A23	Zuckerman, et al., <i>Lipids</i> , 30:307-311 (1995)		
A24	Yoon, et al., <i>Mol. Cells</i> , 5(2):107-113 (1995)		
A25	Jang, et al., <i>J. Biochem. Mol. Biol.</i> , 28(3):216-220 (1995)		
A26	Jeong, et al., <i>Mol. Cells</i> , 4(4):529-533 (1994)		
A27	Tam, et al., <i>Proc. Natl. Acad. Sci., USA</i> , 86:9084-9088 (1989)		
A28	Butz, et al., <i>Peptide Research.</i> , 7(1):20-23		
A29	Kitagawa, et al., <i>J. Biochem.</i> , 79:233 (1976)		
A30	Lachmann, et al., in <i>1986 Synthetic Peptides as Antigens</i> , Wiley, Chichester, (Ciba Foundation Symposium 119) pages 25-40 (1986)		
A31	Connolly, et al., <i>Biochem. J.</i> , 320:39-47 (1996)		
A32	Moriarty, et al., <i>Vaccines 90</i> , Brown, et al. eds., Cold Spring Harbor Laboratory Press, Cold Spring Harbor, NY, 225-229 (1990)		
A33	Schödel, et al., <i>Vaccines 90</i> , Brown, et al. eds., Cold Spring Harbor Laboratory Press, Cold Spring Harbor, NY, 193-198 (1990)		
A34	Hessler, et al., <i>J. Biol. Chem.</i> , 263(11):5020-5023 (1988)		
A35	Wang, et al., <i>J. Biol. Chem.</i> , 267(25):17487-17490 (1992)		
A36	Schödel, et al., <i>J. Virol.</i> , 66(1):106-114 (1992)		
A37	Birnbbaum, et al., <i>J. Virol.</i> , 64(7):3319-3330 (1990)		
A38	Schödel, et al., <i>J. Exp. Med.</i> , 180:1037-1046 (1994)		
A39	Schödel, et al., <i>Vaccines 91</i> , Brown, et al. eds., Cold Spring Harbor Laboratory Press, Cold Spring Harbor, NY, 319-325 (1991)		
A40	Clarke, et al., <i>Vaccines 91</i> , Brown, et al., eds., Cold Spring Harbor Laboratory Press, Cold Spring Harbor, NY, 313-318 (1991)		
A41	Millich, et al., <i>Vaccines 86</i> , Brown, et al., eds., Cold Spring Harbor Laboratory Press, Cold Spring Harbor, NY, 377-382 (1986)		
A42	Posnett, et al., <i>J. Biol. Chem.</i> , 263:1719-1725 (1988)		
A43	Schödel, et al., <i>Infect. Immun.</i> , 57:1347 (1989)		
A44	Wang, et al., <i>J. Biol. Chem.</i> , 270:612-618 (1995)		
A45	Luckow, "Insect Cell Expression Technology", <i>Protein Engineering: Principles and Practice</i> , Cleland, et al., eds., Wiley-Liss, Inc., 183-218 (1996)		
A46	Luckow, et al., <i>J. Virol.</i> , 67:4566-4579, (1993)		
A47	Hippenmeyer, et al., <i>Bio/Technology</i> , 11:1037-1041 (1993)		
B3	Kotake et al., <i>J. Lipid Res.</i> , 37:599-605 (1996)		
B4	Kotake et al., <i>Biochem. Biophys. Acta</i> , 1347:69-74 (1997)		
B5	National Cholesterol Education Program Expert Panel in Detection, Evaluation and Treatment of High Blood Cholesterol in Adults, <i>J. Am. Med. Assoc.</i> , 269:3015-3023 (1993)		
Examiner		Date Considered	
*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

(Rev. 5/92) Comparable to Form PTO-1449 INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket No. 6221/69666 MON-103.0	Serial No. 08/934,367
		Applicant Needleman, et al.			
		Filing Date September 19, 1997		Group 1809	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)					
	B6	Gould et al., <i>Circulation</i> , <u>91</u> :2274-2282 (1995)			
	B7	Manninen et al., <i>Circulation</i> , <u>85</u> :37-45 (1992)			
	B8	Gordon et al., <i>Circulation</i> , <u>79</u> :8-15 (1989)			
	B9	Lee et al., <i>J. Biochem. Mol. Biol.</i> , <u>28</u> (3):243-248 (1995)			
	B10	Bisgaier et al., <i>Lipids</i> , 811-818 (1994)			
	B11	Covai et al., <i>Bioorganic & Med. Chem. Lett.</i> , <u>5</u> :605-619 (1995)			
	B12	McDonnell et al., <i>N. Engl. J. Med.</i> , <u>334</u> (1):42045 (1996)			
	B13	Ulmer et al., <i>Science</i> , <u>259</u> :1745-1749 (1993)			
	B14	Ulmer et al., <i>ASM News</i> , <u>62</u> (9):476-479 (1996)			
	B15	Dixon, <i>Bio/Technology</i> , <u>13</u> (5):420 (1995)			
	B16	Fynan et al., <i>Proc. Natl. Acad. Sci. U.S.A.</i> , <u>90</u> :11478-11482 (1993)			
	B17	Matteucci et al., <i>J. Am. Chem. Soc.</i> , <u>103</u> :3185-3191 (1981)			
	B18	Davis et al., <i>Biotechniques</i> , <u>21</u> :92-99 (1996)			
	B19	Green et al., <i>Biopharm</i> , <u>10</u> (5):52-62 (1997)			
	B20	Marquet et al., <i>Biopharm</i> , <u>10</u> (5):42-50 (1997)			
	B21	Wicks et al., <i>Hum. Gene Ther.</i> , <u>6</u> :317-323 (1995)			
	B22	Mosemann, <i>J. Immunol. Meth.</i> , <u>65</u> :55-63 (1983)			
	B23	Schorr et al., <i>Gene Ther.</i> , <u>1</u> :S7 (1994)			
	B24	Coney et al., <i>Vaccine</i> , <u>12</u> :1545-1550 (1994)			
	B25	Glenn et al., <i>Methods in Enzymology</i> , <u>263</u> :339-350 (1996)			
	B26	Dawson et al., <i>J. Biol. Chem.</i> , <u>264</u> :16798-16803 (1989)			
	B27	Wolff et al., <i>Science</i> , <u>247</u> :1465-1468 (1990)			
	B28	Heim et al., <i>Nature</i> , <u>373</u> :663-664 (1995)			
	B29	SBIR Grant #1 R43 HL57045-01A1, July, 1996			
Examiner		Date Considered			
*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					



In Patent Application
Serial No. 08/934,367
Needleman et al.

EPG/ag MON-103.0
(6221/69666)

Filed: September 19, 1997

Mailed: April 3, 1998

Title: AN IMMUNOLOGICAL PROCESS AND CONSTRUCTS FOR INCREASING
THE HDL CHOLESTEROL CONCENTRATION BY DNA VACCINATION

Information Disclosure Statement and Cert. of Mailing (4pgs),
Form PTO-1449 (3pgs) and Bound Volume of art (B1-B29).

ASSISTANT COMMISSIONER FOR PATENTS:

Please acknowledge receipt of the above-identified
documents by applying the Patent and Trademark Office
receipt hereto and mailing this card.

Respectfully,
Welsh & Katz, Ltd.

268